



Office of the Attorney General

State of Texas

December 20, 1996

DAN MORALES

ATTORNEY GENERAL

Ms. Claudia Nadig
Assistant General Counsel
Texas Workers' Compensation Commission
Southfield Building, MS-4D
4000 South IH-35
Austin, Texas 78704

OR96-2459

Dear Ms. Nadig:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 102525.

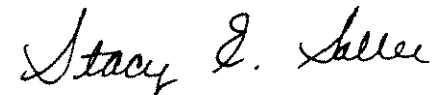
The Texas Workers' Compensation Commission (the "commission") received a request for information concerning any fraud investigation conducted by the commission relating to certain named entities. You claim that the requested information is excepted from disclosure under section 402.092 of the Labor Code as applied through section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 402.092 of the Labor Code provides that information maintained in the investigative files of the commission is confidential and may not be disclosed except in four limited circumstances, none of which apply here. Labor Code § 402.092(a). "Investigative file" is defined as "any information compiled or maintained by the commission with respect to a commission investigation authorized by law." *Id.* § 402.092(d). We conclude that the requested information was compiled in connection with an investigation that the commission is authorized by law to conduct. Therefore, the requested information is made confidential by statute and must not be disclosed.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous

determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Stacy E. Sallee
Assistant Attorney General
Open Records Division

SES/ch

Ref.: ID# 102525

Enclosures: Submitted documents

cc: Mr. Kevin F. Lee
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(w/o enclosures)